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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,409	04/09/2001	Friedrich Siebers	NHL-FMW-02A US (SCT)	8996
432	7590	05/20/2004	EXAMINER	
NILS H. LJUNGMAN & ASSOCIATES P. O. BOX 130 GREENSBURG, PA 15601-0130			BOLDEN, ELIZABETH A	
			ART UNIT	PAPER NUMBER
			1755	

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/829,409	SIEBERS ET AL.	
	Examiner	Art Unit	
	Elizabeth A. Bolden	1755	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-64 is/are rejected.
- 7) ☒ Claim(s) 48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Any rejections and or objections, made in the previous Office Action, and not repeated below, are hereby withdrawn.

Claim Objections

Claim 48 is objected to because of the following informalities: typographical error.

In line 3 of claim 48, lithium oxide is incorrectly identified as LiO_2 it should be changes to read Li_2O .

In multiple places in the claims it is unclear whether the text of the claims includes extra punctuation such as periods or whether these marks occur during transmitting the amendment by fax. For example in claim 58, it appears that there may be a period at the end of line 10 after the work glass as well as at the end of line 14 after the number 69. A claim should be only one sentence and length. However, since the current copy of the amendment is not completely clear whether these are extraneous marks or intended punctuation the entire body of the claim will be considered one sentence from claim number to claim number. Please confirm that the claims are only one sentence in length.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 45-48, 50, 53, 54, 57, 62, and 63 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaskell et al., U.S. Patent 3,809,543.

Gaskell et al. disclose a glass that is manufactured by the float method. See column 3, lines 32-39. Gaskell et al. disclose that the glass can be made from the $\text{SiO}_2\text{-Al}_2\text{O}_3\text{-Li}_2\text{O}$ system with nucleating agents such as TiO_2 , ZrO_2 , and P_2O_5 . See column 1, lines 46-52. Gaskell et al. disclose Example 9, which meets the compositional limitations of claims 45-48, 50, 53, 54, 57, 62, and 63. See Table I. Gaskell et al. disclose that these glasses are thermally treated to form a crystallizable glass-ceramic. See column 2, lines 56-65. Gaskell et al. disclose that the crystal phases present are Beta-quartz, beta-spodumene (also known as keatite), and beta-eucryptite. See column 7, line 36 and column 8, lines 21 and 38.

Claims 50, 54, and 63 recite that the glass is “configured to be prestessable”. Gaskell et al. disclose a flat glass, which could undergo “prestressing” treatments. See column 3, lines 32-38.

Since the composition of the reference is the same as those claimed herein it follows that the glasses of Gaskell et al. would inherently possess the same light transmittance, coefficient of thermal expansion, T_g , and processing temperatures as recited in claims 50, 54, and 63. See MPEP 2112.

Claims 45-64 are rejected under 35 U.S.C. 102(b) as being anticipated by Krolla et al., U.S. Patent 5,446,008.

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Krolla et al. disclose a transparent or translucent glass-ceramic comprising a lithium-alumino-silicate glass. See abstract of Krolla et al. The compositional ranges of Krolla et al. are sufficiently specific to anticipate the compositional limitations of claims 45-64. See MPEP 2131.03. Krolla et al. disclose that the glass optionally contain high quartz and/or keatite crystals. See abstract of Krolla et al. The reference discloses that the glass ceramics are used for cooking surfaces, cookware, and domes for IR detectors in airplanes. See column 4, lines 9-15.

Claims 45-52 and 57-61 define the product by how the product was made in that the claims recite a "float" glass. Thus, claims 45-52 and 57-61 are product-by-process claims. For purposes of examination, product-by-process claims are not limited to the manipulation of the recited steps, only the structure implied by the steps. See MPEP 2113. In the present case, the recited steps imply a structure of a flat glass. The reference suggests such a product. See column 5, lines 64-65.

Claims 50, 52, 54, 59, 61, 63, and 64 recite that the glass is "configured to be prestessable". Krolla et al. disclose a flat glass, which could undergo "prestressing" treatments. See column 1, lines 26-28.

Since the composition of the reference is the same as those claimed herein it follows that the glasses of Krolla et al. would inherently possess the same light transmittance, coefficient of thermal expansion, T_g , and processing temperatures as recited in claims 50-52, 54, 55, 59, 60, 61, 63, and 64. See MPEP 2112.

Claims 45, 53-57, and 62-64 are rejected under 35 U.S.C. 102(b) as being anticipated by Comte et al., U.S. Patent 5,070,045.

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Comte et al. disclose a transparent glass-ceramic comprising a lithium-alumino-silicate glass. See abstract of Comte et al. The compositional ranges of Comte et al. are sufficiently specific to anticipate the compositional limitations of claims 45, 53-57, and 62-64. See MPEP 2131.03. Furthermore, Comte et al. disclose examples 7 and 8, which meet the compositional limitations of claims 45, 53, 54, 57, 63, and 64. See Table 1. Comte et al. disclose that the glass optionally contains high quartz crystals. See abstract of Comte et al. The reference further discloses that a solid solution of beta-spodumene (also known as keatite) develops when heated to a higher temperature. See column 3, lines 50-56. The reference discloses that the glass ceramics are used for cooktop plates, heat resistant glazing, and cookware. See column 3, lines 28-32, 46-49, and 60-66.

Claims 45 and 57 define the product by how the product was made in that the claims recite a "float" glass. As noted above, claims 45 and 57 are product-by-process claims, and are for purposes of examination, product-by-process claims are not limited to the manipulation of the recited steps, only the structure implied by the steps. See MPEP 2113. In the present case, the recited steps imply a structure of a flat glass. The reference suggests such a product. See column 5, lines 60-65.

Claims 50, 54, 63, and 64 recite that the glass is "configured to be prestessable". Comte et al. disclose a flat glass, which could undergo "prestressing" treatments. See abstract of Comte et al.

Since the composition of the reference is the same as those claimed herein it follows that the glasses of Comte et al. would inherently possess the same light transmittance, coefficient of

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thermal expansion, T_g , and processing temperatures as recited in claims 54, 55, 63, and 64. See MPEP 2112.

Claims 45-64 are rejected under 35 U.S.C. 102(b) as being anticipated by Shibuya et al., U.S. Patent 4,835,121.

Shibuya et al. disclose an infrared transparent glass-ceramic top plates of cooking stoves comprising a lithium-alumino-silicate glass. See abstract of Shibuya et al. The compositional ranges of Shibuya et al. are sufficiently specific to anticipate the compositional limitations of claims 32-44. See MPEP 2131.03. Furthermore, Shibuya et al. disclose example 9, which meet the compositional limitations of claims 45, 53, 54, 57, 63, and 64. See Table 2. Shibuya et al. disclose that the glass optionally contains high quartz crystals. See abstract of Shibuya et al. The reference further discloses that beta-spodumene (also known as keatite) crystals develop when heated to a higher temperature. See column 3, lines 8-11.

Claims 45-52 and 57-61 define the product by how the product was made in that the claims recite a "float" glass. As noted above, claims 32, 40, and 44 are product-by-process claims. For purposes of examination, product-by-process claims are not limited to the manipulation of the recited steps, only the structure implied by the steps. See MPEP 2113. In the present case, the recited steps imply a structure of a flat glass. The reference suggests such a product. See column 1, lines 45-48.

Claims 50, 52, 54, 59, 61, 63, and 64 recite that the glass is "configured to be prestessable". Shibuya et al. disclose a flat glass, which could undergo "prestressing" treatments. See abstract.

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Since the composition of the reference is the same as those claimed herein it follows that the glasses of Shibuya et al. would inherently possess the same light transmittance, coefficient of thermal expansion, T_g , and processing temperatures as recited in claims 50-52, 54, 55, 59, 60, 61, 63, and 64. See MPEP 2112.

Response to Arguments

Applicant's arguments filed 17 July 2003 have been fully considered but they are not persuasive.

Applicants argue that Gaskell does not disclose the amount of platinum or rhodium that is contained in the float glass or glass ceramic. This is not deemed persuasive since the instant claims do not require the addition of platinum or rhodium. The instant claims set a maximum content level for the components but do not set a lower limit. Therefore the lower limit for platinum or rhodium is zero.

Applicants argue that Krolla, Comte, and Shibuya do not anticipate the instant claims since the references do not disclose the platinum, rhodium, or tin oxide levels of the glass or glass-ceramic material. This is not deemed persuasive since the instant claims do not require the addition of platinum, rhodium, or tin oxide. The instant claims set a maximum content level for the components but do not set a lower limit. Therefore, the lower limit for platinum, rhodium, and tin oxide is zero.

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Bolden whose telephone number is 571-272-1363. The examiner can normally be reached on 9:30 am-7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on 571-272-1362. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAB

16 May 2004


KARL GROUP
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